

Appl. No. 09/508,512
Amendment dated: October 22, 2003
Reply to OA of: July 31, 2003

REMARKS

Applicants acknowledge with appreciation the indication that claims 5, 16, 20, 21, 27, 34-37 and 39-41 contain allowable subject matter. These claims are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, Applicants have made every effort to place the application in condition for early allowance by restricting the claims to the allowable subject matter. Applicants believe the present amendments places the application in condition for allowance.

Applicants have amended claims 1, 9, 11, and 23 in order to more particularly define the invention taking into consideration the outstanding Official Action. The allowable subject matter from claim 5 has been added to the independent claims and claim 5 canceled as redundant. Claim 3 has also been canceled without prejudice or disclaimer.

In order to facilitate the prosecution of the application to an early allowance, Applicants have amended the claims to better define the hygroscopic material to the allowable subject matter. Therefore, all independent claims referring to the "hygroscopic material" have been amended to include the definition from allowable claim 5.

Claim 1 as currently amended corresponds to a combination of claims 1 and 5. Currently amended claim 9, has also been amended to more clearly indicate the method steps. The definition of the hygroscopic material (claim 5) has also been introduced into this claim. Claims 11 and 23 have been amended so that the scintillator element recited under (a) corresponds to that of amended claim 1.

All of the claims now include a limitation on the hygroscopic material as defined in old claim 5. Applicants most respectfully submit that all the claims now present in the application are in full compliance with 35 U.S.C. §112 and are clearly patentable over the references of record.

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The rejection of claims 1, 3, 4, 7, 8, 23, 24, 29, 30, 32, 33 and 38 under 35 U.S.C. §102(b) as being anticipated by Kwasnick et al. has been carefully considered but is most respectfully traversed in view of the amendments to the claims.

As correctly set out in the Official Action by the Examiner, the prior art of record do not teach or suggest to this particular hygroscopic materials in a scintillating element. Therefore, the prior art of record do not teach or suggest a hygroscopic scintillator element as claimed in claim 1, a method as claimed in claims 9 or 11, or an apparatus as claimed in claim 23. Accordingly, it is most respectfully requested that this rejection be withdrawn.

The rejection of claims 2, 13-15, 17-19, 22, 23, 25, 26, 28, 30-33 and 38 under 35 U.S.C. 103(a) as being unpatentable over Kwasnick et al., in view of Schellenberg '158 as applied to claims 1, 3, 4, 7-12, 23, 24, 29, 30, 32, 33 and 38 above, and further in view of GB 1,092,797 to Atomic Energy has been carefully considered but is most respectfully traversed as discussed above. Accordingly, it is most respectfully requested that this rejection be withdrawn.

In view of the above comments and further amendments to the claims, favorable reconsideration and allowance of all of the claims now present in the application are most respectfully requested.

Respectfully submitted,
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REF:kdd
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October 29, 2003